

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ANTHONY E. SLOAN,

Defendant.

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**ORDER OF DETENTION**

Docket No. 08-MJ-1022(M)

Defendant is charged with knowingly persuading a minor to engage in sexual activity and possessing child pornography, in violation of 18 U.S.C. §§ 2422(b) and 2252A(a)(5)(B). At defendant's initial appearance on February 22, 2008, the Government moved for pretrial detention pursuant to 18 U.S.C. §3142(f), and a detention hearing was held on February 26, 2008. At the hearing, the parties proceeded by proffer. The Government conceded that defendant did not pose a risk of flight and argued only that he posed a risk of danger to the community.

Because I find probable cause to believe that defendant committed a violation of 18 U.S.C. §2422(b), there arises under 18 U.S.C. §3142(e) a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community. Defendant has failed to rebut that presumption.

In making this finding, I have considered not only the nature and circumstances of the offenses charged and the weight of evidence against defendant, including his written

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statement admitting to the conduct alleged, but also the fact that defendant is facing similar charges in state court. While I am mindful that the state court released defendant on \$2,500 bail and limited conditions, based upon my obligations under the Bail Reform Act and the circumstances before me, I find that defendant poses a risk of danger to the community by actively soliciting and engaging in sexual acts with minors, and that this risk cannot be mitigated by electronic monitoring or restricted computer access as argued by defendant's counsel.

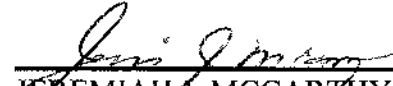
For these reasons, I find that there is clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community. Accordingly, it is hereby

ORDERED that, pursuant to 18 U.S.C. §3142(i)(2), defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED that, pursuant to 18 U.S.C. §3142(i)(3), defendant be afforded reasonable opportunity for private consultation with counsel; and it is further

ORDERED that, pursuant to 18 U.S.C. §3142(i)(4), upon order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined, deliver defendant to United States Marshals for the purpose of an appearance in connection with a court proceeding; and it is further

ORDERED that the foregoing is without prejudice to defendant's right to the presumption of innocence, or to his right to seek reconsideration of this Order based upon changed circumstances.

  
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JEREMIAH J. MCCARTHY  
United States Magistrate Judge

DATED: February 27, 2008